

ORIGINAL

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

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IN THE UNITED STATES DISTRICT COURT JAO & KJM
FOR THE DISTRICT OF HAWAII LS

CIVIL NO. CV 1:21-00179-JAO-KJM

BUDDY P. KAMAKEEAINA,

Plaintiff Pro Se,

vs.

AOUO INTERSTATE
BUILDING, c/o PURE
MANAGEMENT, dba PURE
REAL ESTATE, INC.; GREG
TATSUGUCHI, President;
GREGORY MURATA, Operations
Supervisor; BRANDIE VIDUYA,
Human Resource Manager,

Defendants.

- PLAINTIFF'S CONCISE STATEMENT
OF FACTS IN OPPOSITION TO
DEFENDANTS' MOTION, WITH
ATTACHMENTS "A" - "R" AND
EXHIBITS 001B - 067G ATTACHED,
(LR, RULE 56.1);

- PLAINTIFF'S DECLARATION IN
SUPPORT OF PLAINTIFF'S BRIEF,
PLAINTIFF'S MEMO, AND
PLAINTIFF'S CSF, (LR, RULE 7.5).

- Hearing Date: 06-24-2022 at 9:00 AM;

- District Judge: JILL A. OTAKE;

- Magistrate Judge:

KENNETH J. MANSFIELD;

- Jury Trial Date: 09-12-2022 at 8:30 AM;

- Date of CSF: 05-18-2022.

**PLAINTIFF'S CONCISE STATEMENT OF FACTS IN
OPPOSITION TO DEFENDANTS' MOTION**

Pursuant to LR, Rule 56.1, and as a separate filing to Plaintiff's Memo dated
05-18-2022, Plaintiff submits this Concise Statement of Facts ("Plaintiff's CSF"),
with attachments A - R, exhibits 001B - 067G, and Plaintiff's Declaration.

Received By Mail
Date MAY 20 2022

Mailed On
Date MAY 20 2022

CONCISE STATEMENT OF FACTS

<u>Fact(s)</u>	<u>Evidence</u>
1. Plaintiff was a part-time parking attendant at the AOOU Interstate Building.	<ul style="list-style-type: none"> • <u>UNDISPUTED:</u> (see ¶'s #2, #3, #10 of Plaintiff's Decl., dated 05-18-22).
2. Gregory Murata asked Plaintiff whether he had a guard license ("guard card") because he wanted to give Plaintiff the opportunity to pick up some extra work by also working as a security guard since Plaintiff had mentioned he wanted to make some extra money.	<ul style="list-style-type: none"> • <u>DISPUTED IN PART:</u> Plaintiff earned extra money covering shifts for absent parking attendants only—not for covering for licensed guards in compliance with Tatsuguchi's "roll over" policy, (see ¶'s #10, #20 of Plaintiff's Decl., dated 05-18-22).
3. Plaintiff claims he submitted his Medical Limitations and Work Restrictions letter, dated 12/13/19 to Defendants Tatsuguchi and Murata on 12/16/19.	<ul style="list-style-type: none"> • <u>UNDISPUTED:</u> Plaintiff discussed the terms and conditions of his submitted ML&WR with Murata and Tatsuguchi on 12-16-19, (see ¶'s #6, #11, #12, #30 of Plaintiff's Decl., dated 05-18-22).
4. A day security guard position was created after an incident that occurred in January 2020.	<ul style="list-style-type: none"> • <u>UNDISPUTED:</u> On 01-02-20, a male entered the AOOU lobby elevators, proceeded to the 5th floor, and assaulted two women before being arrested, thereby leading to the initial creation of the daytime guard position, (see ECF #42, ¶ #3, PgID. #264; see ¶ #14 of Plaintiff's Decl., dated 05-18-22).
5. Plaintiff claims he sat at the AOOU security guard desk 36 times from between March 10, 2020 and August 31, 2020.	<ul style="list-style-type: none"> • <u>DISPUTED IN PART:</u> Plaintiff was instructed, not asked, on 03-02-2020 to comply with Tatsuguchi's "roll over" policy, which led to Plaintiff's occupation of the guard desk on 36 separate dates between 03-10-2020 and 08-31-2020, (see ECF 42, ¶'s #7, #10, #16; see ¶'s #20, #21 of Plaintiff's Decl., dated 05-18-22).

<u>Fact(s)</u>	<u>Evidence</u>
6. Plaintiff never expressed any concerns nor did he object to sitting at the guard desk to Tatsuguchi.	<ul style="list-style-type: none"> • <u>DISPUTED:</u> Plaintiff discussed the terms and conditions of his submitted ML&WR with Murata and Tatsuguchi on 12-16-19, (see ¶'s #6, #11, #12 of Plaintiff's Decl., dated 05-18-22).
7. At no time did Plaintiff ever complain about or bring to Tatsuguchi's attention his inability to sit at the guard station while he was working as the parking attendant.	<ul style="list-style-type: none"> • <u>DISPUTED:</u> Plaintiff discussed the terms and conditions of his submitted ML&WR with Murata and Tatsuguchi on 12-16-19, (see ¶'s #6, #11, #12 of Plaintiff's Decl., dated 05-18-22).
8. At no time did Plaintiff ever complain about or bring to Murata's attention his inability to stand or sit at the guard station while he was working as the parking attendant.	<ul style="list-style-type: none"> • <u>DISPUTED:</u> On 03-10-20, Plaintiff complained to his supervisor Murata that Barnaby's car broke down again—an issue (i.e., Barnaby's tardiness) that Tatsuguchi was aware of—which obligated Plaintiff to occupy the Guard Desk according to Tatsuguchi's "roll over" policy, (see ¶ #25 of Plaintiff's Decl., dated 05-18-22; see ¶ #17 of Tatsuguchi's Decl., dated 02-03-22, ECF #77-1, Pg.ID #597 of Defendant's Motion.)
9. Plaintiff has alleged Tatsuguchi made age-related comments of "you old enough, right?" and "You guys all old enough, right!?"	<ul style="list-style-type: none"> • <u>UNDISPUTED:</u> On 07-09-2020, Tatsuguchi told Plaintiff, "You guys all old enough, right?! RIGHT!" before instructing him to occupy the Guard Post for 6-hours after sending the licensed guard home, (see Defendants' Motion, ¶ #9, #77-5, Pg.ID #609; see ¶'s #42, #43 of Plaintiff's Decl., dated 05-18-22).
10. Tatsuguchi denies these comments were directed at any one person and explained that the statements were about being mature enough to understand and emphasize that things should not have to be repeated.	<ul style="list-style-type: none"> • <u>DISPUTED:</u> On 07-09-20, Tatsuguchi said directly to Marzo, "You old enough, right!?" which Marzo answered, "Yes."; On 07-09-20, Tatsuguchi said directly to Plaintiff and other staff. "You guys all old enough, right!? RIGHT!?" which Plaintiff answered, "Right." (see lines #4, #5, #23, #24, #25 of Exhibit 021C; see also Exhibit 021B for Audio/Video of 07-09-20 comments.)

DECLARATION

I, Buddy P. Kamakeeaina, Plaintiff Pro Se of the above-entitled civil action, do hereby declare that the foregoing concise facts, evidence, declarations, attachments, and various exhibits attached hereto is true and correct under penalty of perjury of the laws of the United States of America.

Signature:  Date: 05-18-2022

Buddy P. Kamakeeaina, Plaintiff Pro Se